

Appln. No. 10/820,139  
Amendment date Feb. 17, 2006  
Reply to Office Action of Nov. 17, 2005

### **REMARKS**

The amendments to claims 1, 3 and 4 brings the description of the invention more in conformance with the disclosure at pages 6 and 7 and corrects the informalities noted by the Examiner at page 2. Inasmuch as no new matter is introduced by the amendments, entry thereof and withdrawal of the objections to the claims are respectfully requested.

The rejections of the claims under 35 USC 112, first and second paragraphs, are believed to be obviated by the above amendments whereby all of the Examiner's objections have been addressed, except for the requirement that claims 3,4 and 10 be placed in "proper Markush terminology. It was never applicants to employ Markush terminology in these claims and it is respectfully submitted that "improper" Markush terminology is not employed. Moreover, applicant is aware of no requirement that Markush terminology be utilized in these types of claims. Withdrawal of these grounds of rejection is respectfully requested in view of the above amendments to the claims and arguments.

The rejection of claims 1-4, 8 and 10-11 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 12 of U.S. 5,100,689 is respectfully traversed insofar as this ground of rejection is directed to the claims as presently amended. The Examiner is correct in noting that the reference does not disclose the pH of the solution employed for graft polymerization. Indeed, taking note of the various ingredients in the solutions employed in the working examples throughout the specification, it is apparent that the pHs of the various solutions would be less than 7.0; certainly no higher than 8.0. Moreover, nowhere in the specification of the patent reference is it taught or suggested that the method could be enhanced by adjusting the pH to a value above 8. It is submitted, therefore, that the claimed invention is not obvious over the teachings of the reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

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The rejection of claims 1-4, 8 and 10-11 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 16 of U.S. 5,108,776 is respectfully traversed insofar as this ground of rejection is directed to the claims as presently amended. The Examiner is correct in noting that the reference does not disclose the pH of the solution employed for graft polymerization. Indeed, taking note of the various ingredients in the solutions employed in the working examples throughout the specification, it is apparent that the pHs of the various solutions would be less than 7.0; certainly no higher than 8.0. Moreover, nowhere in the specification of the patent reference is it taught or suggested that the method could be enhanced by adjusting the pH to a value above 8. It is submitted, therefore, that the claimed invention is not obvious over the teachings of the reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of claims 1-4, 8 and 10-11 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 11 of U.S. 5,290,548 is respectfully traversed insofar as this ground of rejection is directed to the claims as presently amended. The Examiner is correct in noting that the reference does not disclose the pH of the solution employed for graft polymerization. Indeed, taking note of the various ingredients in the solutions employed in the working examples throughout the specification, it is apparent that the pHs of the various solutions would be less than 7.0; certainly no higher than 8.0. Moreover, nowhere in the specification of the patent reference is it taught or suggested that the method could be enhanced by adjusting the pH to a value above 8. It is submitted, therefore, that the claimed invention is not obvious over the teachings of the reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of claims 1-4, 8 and 10-11 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 14 of U.S. 5,888,566 is respectfully traversed insofar as this ground of rejection is directed to the claims as presently amended.

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The Examiner is correct in noting that the reference does not disclose the pH of the solution employed for graft polymerization. Indeed, taking note of the various ingredients in the solutions employed in the working examples throughout the specification, it is apparent that the pHs of the various solutions would be less than 7.0; certainly no higher than 8.0. Moreover, nowhere in the specification of the patent reference is it taught or suggested that the method could be enhanced by adjusting the pH to a value above 8. It is submitted, therefore, that the claimed invention is not obvious over the teachings of the reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of claims 1-4, 8 and 10-11 on the ground that they are not patentably distinct from claim 12 of U.S. 5,100,689 is respectfully traversed insofar as this ground of rejection is directed to the claims as presently amended. The Examiner is correct in noting that the reference does not disclose the pH of the solution employed for graft polymerization. Indeed, taking note of the various ingredients in the solutions employed in the working examples throughout the specification, it is apparent that the pHs of the various solutions would be less than 7.0; certainly no higher than 8.0. Moreover, nowhere in the specification of the patent reference is it taught or suggested that the method could be enhanced by adjusting the pH to a value above 8. It is submitted, therefore, that the claimed invention is not obvious over the teachings of the reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of claims 1-4, 8 and 10-11 on the ground that they are not patentably distinct from claims 1 and 16 of U.S. 5,108,776 is respectfully traversed insofar as this ground of rejection is directed to the claims as presently amended. The Examiner is correct in noting that the reference does not disclose the pH of the solution employed for graft polymerization. Indeed, taking note of the various ingredients in the solutions employed in the working examples throughout the specification, it is apparent that the pHs of the various

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solutions would be less than 7.0; certainly no higher than 8.0. Moreover, nowhere in the specification of the patent reference is it taught or suggested that the method could be enhanced by adjusting the pH to a value above 8. It is submitted, therefore, that the claimed invention is not obvious over the teachings of the reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of claims 1-4, 8 and 10-11 on the ground that they are not patentably distinct from claim 11 of U.S. 5,290,548 is respectfully traversed insofar as this ground of rejection is directed to the claims as presently amended. The Examiner is correct in noting that the reference does not disclose the pH of the solution employed for graft polymerization. Indeed, taking note of the various ingredients in the solutions employed in the working examples throughout the specification, it is apparent that the pHs of the various solutions would be less than 7.0; certainly no higher than 8.0. Moreover, nowhere in the specification of the patent reference is it taught or suggested that the method could be enhanced by adjusting the pH to a value above 8. It is submitted, therefore, that the claimed invention is not obvious over the teachings of the reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of claims 1-4, 8 and 10-11 on the ground that they are not patentably distinct from claim 14 of U.S. 5,885,566 is respectfully traversed insofar as this ground of rejection is directed to the claims as presently amended. The Examiner is correct in noting that the reference does not disclose the pH of the solution employed for graft polymerization. Indeed, taking note of the various ingredients in the solutions employed in the working examples throughout the specification, it is apparent that the pHs of the various solutions would be less than 7.0; certainly no higher than 8.0. Moreover, nowhere in the specification of the patent reference is it taught or suggested that the method could be enhanced by adjusting the pH to a value above 8. It is submitted, therefore, that the claimed invention is

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not obvious over the teachings of the reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of claims 1-4, 8 and 10-11 under 35 USC 103(a) as obvious over 5,100,689 is respectfully traversed insofar as this ground of rejection is directed to the claims as presently amended. The Examiner is correct in noting that the reference does not disclose the pH of the solution employed for graft polymerization. Indeed, taking note of the various ingredients in the solutions employed in the working examples throughout the specification, it is apparent that the pHs of the various solutions would be less than 7.0; certainly no higher than 8.0. Moreover, nowhere in the specification of the patent reference is it taught or suggested that the method could be enhanced by adjusting the pH to a value above 8. It is submitted, therefore, that the claimed invention is not obvious over the teachings of the reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of claims 1-4, 8 and 10-11 under 35 USC 103(a) as obvious over 5,108,776 is respectfully traversed insofar as this ground of rejection is directed to the claims as presently amended. The Examiner is correct in noting that the reference does not disclose the pH of the solution employed for graft polymerization. Indeed, taking note of the various ingredients in the solutions employed in the working examples throughout the specification, it is apparent that the pHs of the various solutions would be less than 7.0; certainly no higher than 8.0. Moreover, nowhere in the specification of the patent reference is it taught or suggested that the method could be enhanced by adjusting the pH to a value above 8. It is submitted, therefore, that the claimed invention is not obvious over the teachings of the reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of claims 1-4, 8 and 10-11 under 35 USC 103(a) as obvious over 5,290,548 is respectfully traversed insofar as this ground of rejection is directed to the claims as presently amended. The Examiner is correct in noting that the reference does not disclose

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the pH of the solution employed for graft polymerization. Indeed, taking note of the various ingredients in the solutions employed in the working examples throughout the specification, it is apparent that the pHs of the various solutions would be less than 7.0; certainly no higher than 8.0. Moreover, nowhere in the specification of the patent reference is it taught or suggested that the method could be enhanced by adjusting the pH to a value above 8. It is submitted, therefore, that the claimed invention is not obvious over the teachings of the reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of claims 1-4, 8 and 10-11 under 35 USC 103(a) as obvious over 5,885,566 is respectfully traversed insofar as this ground of rejection is directed to the claims as presently amended. The Examiner is correct in noting that the reference does not disclose the pH of the solution employed for graft polymerization. Indeed, taking note of the various ingredients in the solutions employed in the working examples throughout the specification, it is apparent that the pHs of the various solutions would be less than 7.0; certainly no higher than 8.0. Moreover, nowhere in the specification of the patent reference is it taught or suggested that the method could be enhanced by adjusting the pH to a value above 8. It is submitted, therefore, that the claimed invention is not obvious over the teachings of the reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of claims 1-4, 8-12 and 14 under 35 USC 103(a) as obvious over 6,387,379 is respectfully traversed insofar as this ground of rejection is directed to the claims as presently amended. The Examiner is correct in noting that the reference does not disclose the pH of the solution employed for graft polymerization. Indeed, taking note of the various ingredients in the solutions employed in the working examples throughout the specification, it is apparent that the pHs of the various solutions would be less than 7.0; certainly no higher than 8.0. Moreover, nowhere in the specification of the patent reference is it taught or suggested that the method could be enhanced by adjusting the pH to a value above 8. It is

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submitted, therefore, that the claimed invention is not obvious over the teachings of the reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

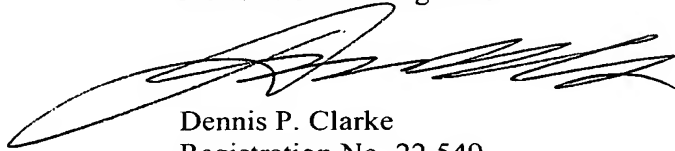
The rejection of claims 1-4, 8 and 10-11 under 35 USC 103(a) as obvious over 6,387,379 in view of 5,902,283 is respectfully traversed insofar as this ground of rejection is directed to the claims as presently amended. The Examiner is correct in noting that the reference does not disclose the pH of the solution employed for graft polymerization. Indeed, taking note of the various ingredients in the solutions employed in the working examples throughout the specification, it is apparent that the pHs of the various solutions would be less than 7.0; certainly no higher than 8.0. Moreover, nowhere in the specification of the patent reference is it taught or suggested that the method could be enhanced by adjusting the pH to a value above 8. It is submitted, therefore, that the claimed invention is not obvious over the teachings of the reference. The secondary reference to Darouiche is cited only to show the enhancement of bonding antimicrobials to silicone surfaces and says nothing about the enhancement of graft polymerization of monomers with the surfaces of polysiloxanes. The reference, therefore does not cure the fatal deficiencies of the primary reference. Accordingly, withdrawal of this ground of rejection is respectfully requested.

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Applicants have earnestly endeavored to place this application in condition for allowance and an early action toward that end is respectfully requested.

Respectfully submitted,

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